

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

REDUCING REGULATORY BURDENS ACT OF 2011

Mr. GIBBS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 872) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reducing Regulatory Burdens Act of 2011".

SEC. 2. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

"(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide."

SEC. 3. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

"(S) DISCHARGES OF PESTICIDES.—

"(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

"(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

"(i) the discharge would not have occurred but for the violation; or

"(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

"(B) Stormwater discharges subject to regulation under subsection (p).

"(C) The following discharges subject to regulation under this section:

"(i) Manufacturing or industrial effluent.

"(ii) Treatment works effluent.

"(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. GIBBS) and the gentleman from New York (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 872.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GIBBS. Mr. Speaker, I yield 10 minutes to the gentlewoman from Ohio (Mrs. SCHMIDT) and ask unanimous consent that she be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. SCHMIDT. I rise in support of the bill, and I yield myself such time as I may consume.

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. Mr. Speaker, it is imperative that we act in a timely manner on H.R. 872 to ensure that our small businesses, farmers, communities, counties, and State and Federal agencies will not be burdened with a costly, duplicative permit requirement that offers no environmental or health benefits. It is important to note that pesticides play an important role in protecting our Nation's food supply, public health, natural resources, infrastructure, and green spaces. They are used not only to protect crops from destructive pests, but also to manage mosquitoes and other disease-carrying pests, invasive weeds, and animals that can choke our waterways, impede our power generation, and damage our forests and recreational areas.

The Reducing Regulatory Burdens Act of 2011 amends FIFRA and the Clean Water Act to eliminate the requirement of a permit for applications of pesticides approved for use under FIFRA. This Act is being passed in response to National Cotton Council v. EPA, which found NPDES permits are required for point source discharges of biological pesticides and chemical pesticides that leave a residue.

This legislation, Mr. Speaker, is not intended to exempt waste-streams or discharges from regulation simply because they may contain pesticides or

pesticide residues. This legislation, Mr. Speaker, makes clear that the NPDES exemption only addresses discharges of pesticide or pesticide residue resulting from applications consistent with FIFRA. The legislation does not exempt applications of pesticides that violate the relevant requirements of FIFRA.

There have been accusations that this bill would cause contamination of our waterways. But, Mr. Speaker, I challenge those accusations. Today, some will argue in defending the Sixth Circuit Court decision that pesticide applications were a violation of FIFRA. The case in question is the Talent Water District in Jackson County, Oregon, where it is claimed that the application of pesticides in violation of the FIFRA label resulted in a fish kill of more than 92,000 juvenile steelhead. I point out that these pesticide applications were in violation of FIFRA and the requirements of FIFRA, and therefore would be addressed under that law. Requiring a duplicative permit under the Clean Water Act would not offer any additional environmental safety standard.

Mr. Speaker, H.R. 872 is a simple fix. The legislation before us passed unanimously through the House Agriculture Committee and with an overwhelming 46-8 vote in the House Transportation and Infrastructure Committee. This proves that this is not a partisan issue but an issue of such importance that Republicans and Democrats and even the EPA have worked together to provide a solution.

H.R. 872 makes clear that it was never the intent of Congress to require this redundant layer of bureaucracy, especially since the EPA already comprehensively regulates the distribution, sale, and use of pesticides. Although the court did extend the effective date of its order to October 31, it did not fix the underlying problem. The impact on all pesticide users required to obtain this extra permit will be the same in October as it is today. There is no difference in the burdensome cost or real impact on their livelihoods. The only things this extension provides is more months of regulatory uncertainty.

I ask my colleagues to support this necessary piece of legislation and to ensure that FIFRA remains the standard for pesticide regulation. Let us help protect our mutual constituency from duplicative obligations that provide no qualified benefit to human health or environmental concerns.

I reserve the balance of my time.

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent that the